

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Corey Jawan Robinson,)	C/A No. 5:12-cv-03358-JMC-KDW
)	
)	
)	
v.)	
)	REPORT AND RECOMMENDATION
Albert Mack; Dessirene Lloyd; Loretta)	
Aiken; Assoc. Warden Fred Thompson;)	
Major Thierry Nettles; Classification Ms.)	
D. Bailey; Cpt. T. Clark; Lolita M. Lee;)	
Sherisse D. Birch; Warden Wayne)	
McCabe; Cpt. Ann Sheppard; Tanya F.)	
McCants; Cpt. William Brightharp; IGC)	
B.J. Thomas; Cpt. McBride; Ann Hallman;)	
)	
Defendants.)	

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. This matter is before the court on Plaintiff's Motion for Judgment by Default filed on August 8, 2013. ECF No. 81. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under 42 U.S.C. § 1983, and submit findings and recommendations to the District Court.

Plaintiff's motion asks the court to enter judgment against Defendant Dessirene Lloyd contending that Defendant Lloyd did not timely respond to his Partial Motion for Summary Judgment. ECF No. 81. Plaintiff contends that Defendant's response to his summary judgment motion was due by June 10, 2013, and "it has been over 60 days and defendant Dessirene Lloyd has not filed an opposition to Plaintiff's Motion for Summary Judgment (Partial)." *Id.* at 2. Defendant Lloyd opposes this motion contending her response to Plaintiff's Motion for Summary Judgment was timely filed and served on Plaintiff on June 10, 2013. ECF No. 82 at 1.

The undersigned has reviewed the docket and finds that Defendant's Response to Plaintiff's partial summary judgment motion, which was due by June 10, 2013, was timely filed and timely served on Plaintiff. *See* ECF No. 73. Accordingly, it is recommended that Plaintiff's Motion for Judgment by Default, ECF No. 81, be denied.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

August 22, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge